

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF VIRGINIA  
Richmond Division**

WALTER LARRY,  
Plaintiff,

v.

Civil Action No. 3:21cv760

UNKNOWN,  
Defendant.

**MEMORANDUM OPINION**

By Memorandum Order entered on January 12, 2022, the Court conditionally docketed the plaintiff's civil action. (ECF No. 2.) At that time, the Court directed the plaintiff to submit a statement under oath or penalty of perjury that:

- (A) Identifies the nature of the action;
- (B) States his belief that he is entitled to relief;
- (C) Avers that he is unable to prepay fees or give security therefor; and,
- (D) Includes a statement of the assets he possesses.

*See* 28 U.S.C. § 1915(a)(1). The Court provided the plaintiff with an *in forma pauperis* affidavit form for this purpose.

Additionally, the Court directed the plaintiff to affirm his intention to pay the full filing fee by signing and returning a consent to collection of fees form. The Court warned the plaintiff that a failure to comply with either of the above directives within thirty (30) days of the date of entry thereof would result in summary dismissal of the action.

The plaintiff has not complied with the orders of this Court. The plaintiff failed to return a completed *in forma pauperis* affidavit form and a consent to collection of fees form. As a result, he does not qualify for *in forma pauperis* status. Furthermore, he has not paid the statutory filing fee for the instant action. *See* 28 U.S.C. § 1914(a). Such conduct demonstrates a

willful failure to litigate. *See* Fed. R. Civ. P. 41(b). Accordingly, this action will be DISMISSED WITHOUT PREJUDICE.

An appropriate Order shall accompany this Memorandum Opinion.

Date: 30 March 2022  
Richmond, Virginia

/s/  
John A. Gibney, Jr.  
Senior United States District Judge